

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42624 of 2024

Arising Out of PS. Case No.-147 Year-2023 Thana- RUDRAPUR District- Madhubani

Tuntun Thakur S/O Jageshwar Thakur, Resident of Village- Nanour, Tole-
Dumariyahi, P.S.-Rudrapur, Distt- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar
2. Kanhaiya Nand Mishra S/O Late Sachida Nand Mishra @ Nunu Mishra,
Resident of Village- Nanour, P.S.-Rudrapur, Distt- Madhubani.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Manoj Kumar Jha, the learned counsel for

the petitioner and Mr. Arvind Kumar Pandey, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Rudrapur PS Case No. 147 of 2023, FIR dated

20.12.2023, registered for the offences punishable under Sections

420, 467, 468 and 506 read with Section 34 of the Indian Penal

Code.

3. According to the prosecution case, the land of the

informant was illegally sold to one Tuntun Thakur by informant's

nephew namely, Prakash Kumar Mishra @ Mangal Baba.

4. Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been implicated



in the present case. He further submits that petitioner is the bonafide purchaser of the land in question from the nephew of the informant and he has no concern at all with the allegation levelled in the FIR. He lastly submits that title suit no. 25 of 2020 is pending before the competent Court of law between the informant and his nephew, from whom the petitioner has purchased the land in question.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and he has purchased the land in question from the nephew of the informant after payment of the consideration amount, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Jhanjharpur, Madhubani, where the case is pending in connection with **Rudrapur PS Case No. 147 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:



(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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